

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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Trustees of the  
LABORERS' PENSION TRUST FUND -  
DETROIT AND VICINITY; LABORERS'  
VACATION AND HOLIDAY TRUST FUND -  
DETROIT AND VICINITY; LABORERS  
METROPOLITAN DETROIT HEALTH &  
WELFARE FUND; and MICHIGAN LABORERS'  
TRAINING FUND, trust funds established under,  
and administered pursuant to, federal law,

Plaintiffs,

v.

Case No. 11-10071

DEMREX INDUSTRIAL SERVICES, INC.,

Defendant,

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**ORDER SETTING BRIEFING SCHEDULE**

On September 14, 2011, the court conducted a telephone conference with counsel for Plaintiffs and Defendant. During the conference, counsel indicated that the completion of an audit has narrowed the contested issues, and the most efficient way to resolve the above-captioned matter is through motion practice. Accordingly,

IT IS ORDERED that Plaintiffs shall file a motion for judgment on or before **September 27, 2011**. The motion shall be based, to the extent possible, on a set of stipulated undisputed facts, which shall be incorporated into Plaintiffs' motion but shall not count toward the twenty-page limit imposed by local rule.<sup>1</sup>

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<sup>1</sup> The court employs this briefing method on the assumption that all material facts will be undisputed and require only interpretation. Plaintiffs' counsel shall take the initiative at arriving at such a stipulated set of facts. Counsel may agree among themselves how best to achieve the end product, but the court suggests that Plaintiffs should serve their proposed facts on Defendant's counsel. Defendant should then serve

Defendant shall file its cross-motion, supported by a combined brief in opposition to Plaintiffs' motion and in support of its motion, by **October 18, 2011**. The argument portion of the brief shall be limited to twenty-five pages in length. To avoid being administratively rejected by the Clerk's office, the cross-motion must carry in its title a parenthetical message saying "cross-motion combined with response at the direction of the court."

Plaintiffs shall file their combined reply and response brief by **November 8, 2011**. The argument portion of the brief shall be limited to twenty-five pages in length.

Defendant shall file its reply brief no later than **November 22, 2011**. The brief shall be limited to ten pages in length.<sup>2</sup> Unless otherwise ordered, no hearing shall be scheduled.

S/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: September 19, 2011

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, September 19, 2011, by electronic and/or ordinary mail.

S/Lisa Wagner  
Case Manager and Deputy Clerk  
(313) 234-5522

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its reaction to the proposed facts, particularly noting which facts, if any, are disputed, and why, and proposing any additional undisputed facts. Plaintiffs should then incorporate all undisputed facts into their opening brief. If the parties discover that there exists a disputed *material* fact that seems to require a trial or evidentiary hearing for resolution, they should immediately contact the court for consultation and advice.

<sup>2</sup> If counsel believe that they need additional pages to adequately address the relevant issues, they may contact the court's case manager, who has authority to grant reasonable page length extensions upon request. If the request is not granted by the case manager, counsel will need to file a motion for leave to exceed the page limit.